

6/6/01

**THIS DISPOSITION
IS NOT CITABLE AS PRECEDENT
OF THE T.T.A.B.**

Paper No. 13
HRW

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Brian S. Gladden

Serial No. 75/711,666

Lori M. Stockton of Blakely, Sokoloff, Taylor & Zafman
for Brian S. Gladden.

Brendan Regan, Trademark Examining Attorney, Law Office 113
(Meryl Hershkowitz, Managing Attorney).

Before Hanak, Wendel and Rogers, Administrative Trademark
Judges.

Opinion by Wendel, Administrative Trademark Judge:

Brian S. Gladden has filed an application to register
the mark E-OUTDOORS for the following services:

Providing on-line pricing information for outdoor
products and services, namely, fishing, camping,
hunting, boating, archery and hiking equipment;
on-line ordering services featuring outdoor products,
namely, fishing, camping, hunting, boating, archery
and hiking equipment; on-line auctions featuring
outdoor products and services (Class 35);

Providing on-line chat rooms and bulletin boards for
dissemination of information concerning outdoor
activities, namely, fishing, camping, hunting,
boating, archery and hiking (Class 38);

Providing information on-line concerning outdoor activities, namely, fishing, camping, hunting, boating, archery, hiking, outdoor videos and outdoor games, and publications, namely, books, magazines, and newsletters about a variety of outdoor experiences (Class 41); and

Providing on-line consumer information concerning testing and evaluations of outdoor products, activities, and services; providing information on-line concerning weather, tides, lunar phases and maps (Class 42).¹

Registration has been finally refused under Section 2(e)(1) of the Trademark Act on the ground that the mark, if used in connection with the services identified in the application, would be merely descriptive thereof. The refusal has been appealed. Both applicant and the Examining Attorney have filed briefs but an oral hearing was not requested.

The Board, on May 11, 2000, issued its decision with respect to applicant's copending application, Serial No. 75/711,655, for the mark EOUTDOORS for the identical services. Inasmuch as the issues in the two cases are identical, the difference in the marks EOUTDOORS and E-OUTDOORS being of no consequence in the Section 2(e)(1) refusal, the present refusal is hereby affirmed for the reasons set forth in our decision in Serial No. 75/711,655.

¹ Serial No. 75/711,666, filed May 21, 1999, based on an allegation of a bona fide intention to use the mark in commerce.

Ser No. 75/711,666

Decision: The refusal to register under Section
2(e)(1) is affirmed.